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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,105	07/27/2001	Joseph M. Cannon	J.M. CANNON 123-111-70	9776

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EXAMINER

TAYLOR, LARRY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,105

Applicant(s)

CANNON ET AL.

Examiner

Larry D Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt of Amendment

1. Receipt is acknowledged of the amendment filed 24 September 2002, in which claims 15-21 were canceled and claims 22-27 were added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhoads (US 4,817,136).

Rhoads teaches an automated telephony system R comprising: a scanner 30 for reading information on a calling card C; and the remainder of the circuitry (items 32-64), serving as a session initiator, coupled to the scanner, that analyzes that information read by the scanner, extracts a telephone number from the information and transmits a signal containing the number to a telecommunications device 66 to initiate a telecommunications session with central station 68. The telecommunications device is generally of a conventional telephone set. The information contains digitally encoded information such as a person's phone number, as well as data pertaining to his/her company (figure 1, col. 2, line 60 – col. 3, line 13, and col. 10, lines 5-15). The same information may be printed on a common-side face of the card in human-readable

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form (figure 1 and col. 5, lines 24-27). The encoded data may be in the form of a bar code or magnetic stripe (col. 9, lines 46-50). After the initial scanning of the data of the card, storage 36 temporarily stores the data for verification of the scanning, therefore providing an application where an existing, supporting database of data containing the human-readable data is not needed beforehand.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads in view of Hamilton et al. (US 5,393,964).

The teachings of Rhoads have been discussed above. However, Rhoads fails to teach session initiation as determining whether to use said telephone number to initiate faxing or phoning based on manual user-input or switch entered into the scanner, session initiator, or telecommunications device.

Hamilton teaches a telecommunications system 10 in which a user engages the system (see figure 3) to initiate a phone call. The user inserts a card into a reader of the system to be verified. Once verification is complete, the system allows the user to input a telephone number to initiate a phone session. The user selects whether to initiate a phone call to a person or whether to fax information via a manual switch connected to switching network 44 (fig. 14 and

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col. 11, lines 36+). Regarding claim 27, once the system completes the positive verification of the card of the user, the system would be on a ready status, ready to enable the user to initiate a phone session.

It would have been obvious to one of ordinary skill in the art to provide such a switching means to the user of the system of Rhoads as it allows tactile convenience to the user as to phoning options of the system. Having a manual switch allows the user to configure the system to whatever "phoning mode" he/she wishes, instead of the system erroneously making the mode decision. The system of Hamilton teaches the switch as part of the system as a whole, therefore, to place the manual switch in direct connection with either the scanner, session initiator, or telecommunications device would be within the realm of obviousness to one of ordinary skill in the art.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads as modified by Hamilton, and further in view of Tamaoki (US 4,868,849, of record).

The teachings of Rhoads as modified by Hamilton have been discussed above. However, the teachings fail to discuss the session initiator determining whether to initiate a phoning or faxing based on a direction the calling card is swiped by the scanner.

Tamaoki teaches a card operated telephone device, wherein a scanner within the device (see figure 3) reads data and phone number from a calling card 10 and initiates a phone call to a particular party. Figure 5 shows the card in with a feature such that if the card is swiped in direction 52, one feature is performed by the device, and if the card is swiped in another direction 53, the device performs another feature (col. 4, lines 26-39).

It would have been obvious to one of ordinary skill in the art to incorporate into the

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system of Rhoads as modified by Hamilton, a method of differing automatic features resulting from swiping the card in opposite directions. This well-known method would alleviate the need for separate manual switches to be actuated by the user in order to prompt the device to perform such functions as phoning or faxing. Such a measure adds user convenience and provides expedience when attempting to phone a friend or fax important documentation to someone.

Response to Arguments

7. Applicant's arguments filed in response to claims 1-15 have been fully considered but they are not persuasive.

The Examiner holds that the art of Rhoads provides a scanner 30 and a system comprised of components 32 through 64 for initiating a telecommunications session with telephone interface device 66. The Office finds no distinct difference between these teachings of the art and "transmitting a signal to a telecommunications device to initiate a telecommunications session" (page 4 of arguments, lines 7-10). A signal from the system, that signal containing the phone number to be dialed, is provided to the telephone telecommunications device 66 to initiate a session with a central station 68.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizell et al. (US 6,453,175 B1) teaches a telecommunications system that includes a switch for toggling between phoning and faxing.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703)-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-4784 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor
December 8, 2002



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800